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March 15, 2012

VIA ELECTRONIC & US MAIL

Ms. Stephanie Vaughn
ATTN: Lower Passaic River Remedial Project Manager
Emergency and Remedial Response Division
U.S. EPA, Region 2
290 Broadway, 19th Floor
New York, New York 10007

**Re: Monthly Progress Report No. 58 – February 2012
Lower Passaic River Study Area (LPRSA)
Remedial Investigation/ Feasibility Study (RI/FS)
CERCLA Docket No. 02-2007-2009**

Dear Ms. Vaughn:

de maximis, inc. is submitting this Monthly Progress Report for the above-captioned project on the behalf of the RI/FS Agreement Settling Parties (Cooperative Parties Group or CPG) pursuant to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 42 of said Settlement Agreement.

(a) Actions which have been taken to comply with this Settlement Agreement during the previous month.

Meetings/Conference Calls

- On February 3, EPA, CPG and Partner Agency (PA) representatives held a meeting to discuss reference and background for risk assessment activities.
- On February 9, the CPG provided the LPR Community Advisory Group a presentation on data and status of the RM 10.9 characterization.
- On February 14, the EPA and CPG met to discuss RM 10.9 data and possible approaches to address the area.
- On February 23, EPA and CPG held a conference call to discuss the CPG's anticipated field work schedule for the next several months.

Correspondence

- On February 1, EPA provided general approval of a Field Modification request to adjust Low Resolution Coring (LRC) Supplemental Sampling Program (SSP)

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coring locations based on utility clearances, with an EPA suggestion for potential locations for three coring locations.

- On February 2, CPG responded to EPA request for supporting information regarding the potential re-location of the three LRC SSP sampling locations.
- On February 7, CPG submitted a second Field Modification request to EPA to adjust LRC SSP coring locations based on utility clearance, tree clearance and poor recovery considerations.
- On February 7, EPA approved the second Field Modification request for the relocation of LRC SSP coring locations due to access issues.
- On February 7, EPA provided the Dispute Resolution decision letter to CPG.
- On February 8, CPG submitted an update to EPA regarding tissue samples and 2011 Chemical Water Column Monitoring (CWCM) water samples in storage at the analytical laboratories and requested approval to dispose of these samples.
- On February 15, CPG submitted the Monthly Progress Report to EPA.
- On February 15, CPG submitted the initial response letters from sediment beneficial reuse technology vendors with respect to the River Mile (RM) 10.9 Pilot Study initiative to EPA.
- On February 16, CPG submitted a Field Modification request to modify the chemical analysis procure for dioxins and furans in the LRC SSP program.
- On February 17, CPG submitted a non-conformance notification and Field Modification Request FM-120112-C1 for clarification of latitude and longitude information and relocation for CWCM sample location RM 0.0 collected during the Small Volume (SV) CWCM Routine Event #1 in August, 2011.
- On February 21, CPG submitted an update to EPA of activities conducted on February 20, the first day of field activities for the SV CWCM Routine Event #2.
- On February 21, EPA approved Field Modification request FM-120112-C1 for relocation of the RM 0.0 sampling location for the LRC SSP field activities.
- On February 21, EPA notified the CPG that the Field Modification request to modify chemical analytical procedures for the analysis of dioxins and furans was not approved as written, but that the laboratory may use a reduced weight of 5 grams dry weight, instead of 10 as written in the QAPP.
- On February 21, 22, and 23, CPG submitted a progress update to EPA of field activities conducted those days for the SV CWCM Event #2.
- On February 27, EPA submitted questions to the CPG regarding the RM 10.9 Characterization Electronic Data Deliverables (EDDs).

Work

- CPG completed field activities in support of the LRC SSP on February 14.
- CPG completed data validation of the RM 10.9 Characterization data.

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- CPG continued drafting the RM 10.9 Characterization Data report.
- CPG initiated evaluation of RM 10.9 characterization data and development of conceptual response actions and Statement of Work including identification and screening of beneficial sediment reuse technologies and vendors.
- CPG conducted the SV CWCM Routine Event #2 on February 20 - 23.
- CPG initiated chemical analysis of the samples collected during the SV CWCM Routine Event #2 field activities.
- CPG conducted planning activities for the SV CWCM Routine Event #3, scheduled for the week of March 26.
- CPG conducted planning and preparation for a SV CWCM High Flow Event anticipated during the spring months.
- CPG continued planning activities for the High Volume (HV) CWCM QAPP Addendum and held several conference calls with candidate equipment vendors.
- CPG completed the LRC SSP field activities.
- CPG continued chemical analysis of the samples collected during the LRC SSP field activities.
- CPG initiated data validation of the LRC SSP data.
- CPG continued work on the 2011 Post-Hurricane Irene Bathymetry Survey report.
- CPG continued drafting the winter/spring 2011 Avian Survey Report.
- CPG Modeling Team continued work on decoupling the Hydrodynamic and HQI ECOM-SEDZLJS Sediment Transport Model codes to shorten run times and long-term sediment transport calibration runs.
- CPG Modeling Team continued work on the RCATOX Chemical Fate and Transport Model Code initial conditions and long-term calibration runs.
- CPG Modeling Team supported design activities for the CWCM Routine Event #2 and CWCM High Flow Event.
- CPG Modeling Team worked on system understanding for hydrodynamic and sediment transport processes in Newark Bay.
- CPG continued review of sediment characteristics and potential target remedy locations in support of initial Feasibility Study (FS) evaluations.
- CPG continued development of a FS cost estimating framework.

(b) Results of Sampling and Tests

- On February 15, CPG posted the original laboratory EDDs received during January for the SSP LRC activities to the EPA SharePoint site.
- On February 22, CPG posted EDDs with the final validated data associated with the RM 10.9 Characterization to the EPA SharePoint site.

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(c) Work planned for the next two months with schedules relating to the overall project schedule for RI/FS completion

- CPG will continue chemical analyses of the LRC SSP samples.
- CPG will continue validation of the LRC SSP data.
- CPG will initiate chemical analysis of the SV CWCM Event #2 samples.
- CPG will initiate validation of the SV CWCM Event #2 data.
- CPG will conduct the SV CWCM Event #3 field activities conditions permitting.
- CPG will conduct a SV CWCM High Flow Event if River conditions meet QAPP criteria.
- CPG will complete drafting and submit the RM 10.9 Characterization Data report and appendices (includes the RM 10.9 Hydrodynamic Study and July '12 Bathymetry Survey reports) to EPA.
- CPG will continue to develop of a proposed Statement of Work for RM 10.9 response actions and beneficial sediment reuse technology pilot studies.
- CPG will initiate development of an addendum to the RM 10.9 Characterization QAPP for collection of RM 10.9 sediment samples to be provided to beneficial reuse technology vendors.
- CPG will initiate development of a QAPP for bench-scale testing of RM 10.9 sediment samples by beneficial reuse technology vendors.
- CPG will provide RM 10.9 sediment samples to beneficial reuse technology vendors for bench scale testing and continue discussions regarding large-scale pilot demonstrations.
- CPG will complete drafting the Post-Hurricane Irene Bathymetric Survey of the LPR report.
- CPG will complete drafting the 2010 Small Foraging Fish Tissue Chemistry Data Report.
- CPG will complete drafting the 2011 Avian Survey Report.
- CPG will complete revisions to and submit the Risk Assessment Risk Characterization Plan and appendices (Background/Reference Site, Ecological Life History Profiles, and Data Usability documents) to EPA.
- CPG will continue drafting the HV CWCM QAPP Addendum.
- CPG will continue discussions with candidate vendors for the HV CWCM program.
- CPG Modeling Team will continue calibration runs with the HQI ECOM-SEDZLJS and RCATOX codes and inputs.
- CPG Modeling Team will continue support with the CWCM High Flow program planning and development.
- CPG will participate in LPR/Newark Bay Modeling Program progress calls and follow-up modeling collaboration meetings with EPA and EPA consultants.

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- CPG will continue initial FS evaluation of targeted remedy locations and development of cost estimating tools.

(d) Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays.

- Based upon discussions with EPA, the CPG understands that the calibration of the HQI sediment transport model was completed by the EPA Modeling Team during the fourth quarter of CY 2010 and that changes were and continue to be made to the HQI SEDZLJS code and inputs used by EPA in its calibration. It is also the CPG's understanding that EPA is continuing work to improve their calibration. As such, the CPG is continuing to work on both its high flow calibration and its long-term daily calibration. An EPA and CPG collaboration meeting was conducted in January 2012; this and previous meetings are providing an opportunity for both modeling teams to understand difference between each team's approaches. Delays associated with both the sediment transport modeling and chemical fate transport modeling schedules are extending the completion of the LPRSA RI/FS.
- The CPG understands that the EPA approved Tierra's CSO/SWO Workplan in May 2011 and that the execution of the AOC between EPA and Tierra or other signatories has not been completed. It is also the CPG's understanding that the Method Detection Studies and other work must be completed prior to the start of the Phase 1 work. The extent of the RI/FS schedule impacts is dependent on the completion of these items.
- EPA provided comments on July 11, 2011 which disapproved the revised risk assessment planning documents and required submission of revised documents within 30 days. Additionally, EPA provided a technical memo on July 25, 2011 on fish and crab consumption rates for the LPRSA Human Health Risk Assessment. The CPG filed a notice of dispute resolution in accordance with Section XV of the AOC on July 25, 2011 in response to EPA's July 11, 2011 directive letter and July 25, 2011 technical memorandum. The revised RARC and TRV deliverables were submitted on August 9, 2011. On September 6, 2011 the CPG submitted a position paper in response to EPA's July 11, 2011 comments and July 25, 2011 technical memorandum. Dispute resolution meetings were held on December 1, 2011 and January 13, 2012. EPA provided the results of the dispute resolution to the CPG on February 7, 2012 and the CPG has begun to implement the

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changes specified in the July 2011 directive comments and the results of the dispute resolution.

If you have any questions, please contact me or Rob Law at (908) 735-9315.

Very truly yours,

de maximis, inc.

Willard F. Potter / cfc

Willard F. Potter
Project Coordinator

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